PESAH: Understanding the prohibition of owning Hamets during Pesah

□□□□ □□
□□□□ □□
□□□ □□□□□
One of the elements that makes the prohibition of Hamets so unique is that, unlike any other forbidden foods, it includes the ban of its possession. There are three Mitsvot in the Tora related to this prohibition:
1. **bal yera-e**, lit. your Hamets shall not be seen (Ex. 13:7);
2. **bal-yimatse** lit. your Hamets shall not be found in your premises (Ex. 12:19).
3. **tashbitu**, lit. you shall *end* your hamets Pesah eve (Ex. 12:15).
The Tora sheBe'al pe, the authoritative halakhic Jewish tradition, explains that the first two verses, the two prohibitions, should be considered as one single restriction: "owning" Hamets during Pesah. Maimonides consecrates almost a whole chapter in Hilkhot hamets uMatsa, chapter 4, to explain this concept: In halakha 2 he says: " ….hamets belonging to a Jew …, even though it is buried, is located in another city, or is entrusted to a gentile, causes him to violate [the commandments]: "[hamets] shall not be seen" and "[hamets] shall not be found."
We also have a third mitsva called *tashbitu* which is explained by the Tora shebe'al pe as: you shall end "the possession" of your hamets before Pesah begins.
In sum, there are two identical prohibitions (an exceptional case!) and one positive commandment, virtually for the same issue: owning hamets during Pesah.
Strictly speaking, (and following Maimonides opinion) these three miṣvot could be fulfilled at once just by performing one single act: the 'bitul hamets', the verbal declaration by which a person renounces to the ownership of any hamets that belongs to him, regardless of where that hames is located. By declaring the hamets ownerless, a person 1. fulfills the

Mitsva of “ending the possession of his hamets” and, 2. is not transgressing the two prohibitions of the Tora, even though there might still be hamets within his premises.
But evidently this is not what we do for Pesah. The Rabbis explained that there might be some practical complications with just “declaring” our hamets ownerless, while keeping it at home. First, we might declare that we do not own anymore our hamets, but, if we posses something valuable, a box of whiskey bottles, for example, will we really mean wholeheartedly that we renounce to the possession of that hamets? Second, they said, hamets is the most common food (think about bread, crackers, pasta, etc.), so even if we declare our hamets ownerless but we keep the Hamets at home, we might eat hamets accidentally…
This is why our Rabbis instructed us to actually *remove* our hamets before Pesah begins. At the end of the process of removing our hamets (also known as “bi’ur hamets”) we also do the bitul hamets, as we will explain in the following lines.
There are four steps, then, that we should take to 1. Avoiding transgressing the two Biblical prohibitions of owning hamets, 2. Fulfilling the Mitsva of ending our possession of hamets before Pesah, 3. Following the guidelines of our Rabbis
(1) We should **clean** our houses, cars, offices and other properties before Pesah begins to identify and remove all hamets from them.
(2) We have to run **a final search** of all our properties to make sure that we have removed everything hamets from them (bediqat hamets).
(3) We have to **physically dispose of or get rid** of (be’ur) any hamets found in our properties before and during the Bediqa.
We can give our Hamets as a gift to a non-Jew, if it is food in good condition; or if we have bread crumbs, for example, we can give it to the birds or to fish, or we can burn it or dispose of it.
(4) Then, after we get rid of our hamets **we declare** that whatever Hamets we may still own anywhere, which was not detected and/or removed by us, does not belong to us anymore, and from now on it is considered ownerless (hefqer) as the dust of the earth (bitul hamets).